

Order

Michigan Supreme Court
Lansing, Michigan

March 29, 2016

Robert P. Young, Jr.,
Chief Justice

151300

Stephen J. Markman
Brian K. Zahra
Bridget M. McCormack
David F. Viviano
Richard H. Bernstein
Joan L. Larsen,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 151300
COA: 324440
Wayne CC: 94-006481-FC

LEANDER KRIEGG FOSTER,
Defendant-Appellant.

By order of December 22, 2015, the application for leave to appeal the March 4, 2015 order of the Court of Appeals was held in abeyance pending the decision in *Montgomery v Louisiana*, cert gtd 575 US ____; 135 S Ct 1546; 191 L Ed 2d 635 (2015). On order of the Court, the case having been decided on January 25, 2016, 577 US ____; 136 S Ct 718; 193 L Ed 2d 599 (2016), the application is again considered and, pursuant to MCR 7.305(H)(1), in lieu of granting leave to appeal, we VACATE the sentence of the Wayne Circuit Court for the defendant's first-degree murder conviction, and we REMAND this case to the trial court for resentencing on that conviction pursuant to MCL 769.25 and MCL 769.25a. See *Montgomery, supra*; *Miller v Alabama*, 567 US ____; 132 S Ct 2455; 183 L Ed 2d 407 (2012).

We do not retain jurisdiction.



a0321

I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

March 29, 2016


Clerk